



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,640	09/15/2003	Andrea Liebmann-Vinson	P-5803	9402

24395 7590 02/28/2006

WILMER CUTLER PICKERING HALE AND DORR LLP  
THE WILLARD OFFICE BUILDING  
1455 PENNSYLVANIA AVE, NW  
WASHINGTON, DC 20004

EXAMINER

MILLER, MARINA I

ART UNIT PAPER NUMBER

1631

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER
----------

ART UNIT
----------

PAPER
-------

02072006

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The reply filed on 11/01/2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): applicants did not comply with the species election requirement mailed 6/30/2005. See 37 CFR 1.111. Specifically, applicants were required to elect one species from each group A-E by the previous examiner. Applicants cancelled claims 4, 8-10, and 15 that recite the species set forth in the restriction/election requirement. Applicants argue that now-pending claims are generic and no restriction should be required. Notwithstanding the cancellation of the claims reciting species under the election requirement set forth in the election requirement mailed 6/30/2005, the generic claims still read on the species either recited or disclosed. Therefore, the election of species required by the previous examiner still stands and the applicants' reply filed 11/01/2005 is considered to be non-responsive. Applicants are required to elect one species from each group A-E set forth in the previous election requirement and reiterated below:

Species A: elect one agent from among, for example, extracellular matrix proteins and their fragments, peptides, growth factors, and cytokines, as disclosed in the specification and previously recited in claim 8, as it was required on p. 2 of the restriction/election requirement mailed 6/30/2005.

Species B: elect one data acquisition among immunocytochemistry, microscopy, and functional analysis, as disclosed in the specification and previously recited in claim 9.

Species C: elect one biological response among cell adhesion, cell survival, cell differentiation, cell maturation, and cell proliferation, as disclosed in the specification and previously recited in claim 10.

Species D: elect one statistical design among fractional factorial design, D-optimal design, mixture design, and Plackett-Burman design, as disclosed in the specification and previously recited in claim 15.

Species E: elect one agent-immobilizing material among hyaluronic acid, alginate acid, PEO, and PHEM, as disclosed in the specification and previously recited in claim 4.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

**MARJORIE A. MORAN**  
**PRIMARY EXAMINER**

*Marjorie A. Moran*  
2/13/06